

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------------------|---|------------------------|
| DONALD CEKORIC, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CLOPAY BUILDING PRODUCTS |) | |
| COMPANY, INC., |) | |
| Defendant and Third-Party |) | Civil Action No. 05-24 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| RANDALL F. LAURICH, |) | |
| individually and t/d/b/a LAURICH |) | |
| GARAGE DOORS, |) | |
| Third-Party Defendant. |) | |

ORDER

AND NOW, this 8th day of January, 2007, after the plaintiff, Donald Cekoric, filed an action in the above-captioned case, and after motions for summary judgment were submitted by the defendant, Clopay Building Products Co., and by the third-party defendant, Randall F. Laurich, individually and t/d/b/a/ Laurich Garage Doors, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the defendant and the third-party defendant and the responses to the objections filed by the plaintiff and the defendant, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 42), which is adopted as the opinion of this Court except with respect to the issue raised in the objections of the

third-party defendant relating to the denial of summary judgment for the sole liability claim. That issue is remanded to the magistrate judge for reconsideration.

IT IS ORDERED that Defendant's Motion for Summary Judgment (Docket No. 28) is denied.

IT IS FURTHER ORDERED that Third-Party Defendant's Motion for Summary Judgment (Docket No. 24) is denied except for the issue relating to the sole liability claim which is remanded to the magistrate judge for reconsideration.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge